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Insurance Company and New York Life  
Insurance and Annuity Corporation

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

OLGA ORTMANN, as an individual and on  
behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK LIFE INSURANCE COMPANY, a  
corporation; NEW YORK LIFE INSURANCE  
AND ANNUITY CORPORATION, a  
corporation; and DOES 1 through 20, inclusive,

Defendants.

Case No. C-07-2506 JL

**DECLINATION TO PROCEED BEFORE A  
MAGISTRATE JUDGE  
AND  
REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

**REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: May 16, 2007

Signature *John S. Battenfeld*  
Counsel for Defendants  
(Plaintiff, Defendant, or indicate "pro se")